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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,801	09/18/2001	Peter G. Mikhail		8195

7590

04/22/2004

PETER MIKHAIL
1306 6th Avenue
San Francisco, CA 94122

EXAMINER

GRAY, DAVID M

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/954,801

Applicant(s)

MIKHAIL, PETER G.

Examin r

David M Gray

Art Unit

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-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18,20-40,42-45 and 47-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-18,20-40,42-45 and 47-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Reelee et al.

Contrary to applicant's remarks the Reelee et al. reference inherently "is operable to use at least one cellular control channel to determine the location of the camera" as claimed. In order for a cellular telephone to operate the phone must establish a connection between the transmission tower and the phone's transceiver. Such a connection requires that the phone determine its location in order to select the proper transmission tower. The Ali, Bruno et al., Carlsson et al., Maloney et al., Myers et al. and Rantalainen et al. prior art references are cited in support the examiner's position that using control channels to determine the phone's location is well known and expected in the operation of a cellular telephone.

Regarding claim 13, when a single image is captured and transmitted the location is determined for each image.

Regarding claim 14, when plural images are captured and then transmitted the location is determined for a series of images.

Regarding claims 15 and 16, the specific information is disclosed in the prior art references.

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Claims 2-18, 20-40, 42-45, and 47-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Squibbs.

Regarding claims 2-18, 47, 48 and 50, contrary to applicant's remarks Squibbs clearly discloses, "the cellular transceiver is operable to use at least one cellular control channel to determine the location of the camera" in the annex A, see [0140] to [157]. See also the supporting prior art cited above with respect to Reelee et al.

Regarding claim 20-33 and 49, contrary to applicant's remarks Squibbs discloses using triangulation, see [0156].

Regarding claim 23, Squibbs clearly discloses additionally using GPS to determine location, see [0095]-[0098] and [0155].

Regarding claims 34-40 and 52, contrary to applicant's remarks Squibbs clearly discloses, "at least one signal received from cellular towers over a cellular control channel" in the annex A, see [0140] to [157]. See also the supporting prior art cited above with respect to Reelee et al.

Regarding claims 42-45 and 51, contrary to applicant's remarks Squibbs clearly discloses "configured to triangulate the position of the camera," see [0156]. See also the supporting prior art cited above with respect to Reelee et al.

Regarding claim 51, the data channels and control channels are a so-called "dedicated physical control channel."

Regarding claim 52, applicant's attention is directed to [0147].

Finally, it is noted that the claim features applicant argues for patentability of the claims are those features which applicant acknowledges are prior art teachings. Applicant's disclosure

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does not teach how to use the control channel or triangulation in order to determine the location of the apparatus but rather incorporates by reference the known teachings in the art to support what is now argued as the patentable feature. Applicant's attention is directed to [0018]-[0021] of the outstanding disclosure.

Conclusion

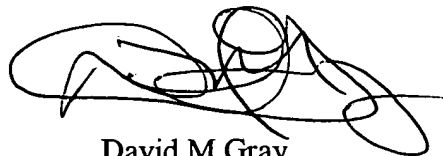
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T & T-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 571-272-2112. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David M Gray
Primary Examiner
Art Unit 2851